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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/789,774	02/27/2004	Joe M. Poss	16869Q-092300US

CONFIRMATION NO. 1897

20350  
 TOWNSEND AND TOWNSEND AND CREW, LLP  
 TWO EMBARCADERO CENTER  
 EIGHTH FLOOR  
 SAN FRANCISCO, CA 94111-3834

## FORMALITIES LETTER



\*OC000000012769678\*

Date Mailed: 05/25/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity


- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

07/26/2004 FFANAI2 00000050 201430 10789774

01 FC:1051 130.00 DA

*A copy of this notice **MUST** be returned with the reply.*

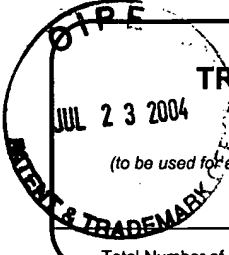


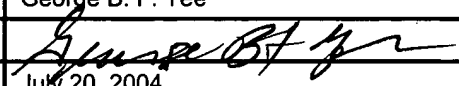
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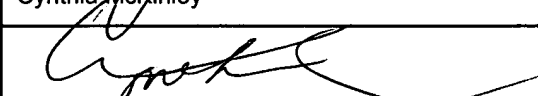
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

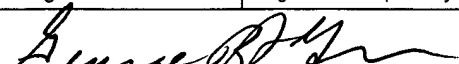
 <p align="center"><b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)</p>	Application Number	10/789,774	
	Filing Date	February 27, 2004	
	First Named Inventor	Poss, Joe M.	
	Art Unit	2838	
	Examiner Name	Unassigned	
Total Number of Pages in This Submission	10	Attorney Docket Number	16869Q-092300US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of executed Declaration and Power of Attorney Supplemental ADS Return Postcard
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Townsend and Townsend and Crew LLP	
	George B. F. Yee	Reg. No. 37,478
Signature		
Date	July 20, 2004	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Cynthia McKinley		
Signature		Date	July 20, 2004

<div style="text-align: center;"> <h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2004</h2> <p style="font-size: small; margin: 0;">Effective 10/01/2003. Patent fees are subject to annual revision.</p> </div> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>	<p style="text-align: center;"><b>Complete if Known</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>10/789,774</td> </tr> <tr> <td>Filing Date</td> <td>February 27, 2004</td> </tr> <tr> <td>First Named Inventor</td> <td>Poss, Joe M.</td> </tr> <tr> <td>Examiner Name</td> <td>Unassigned</td> </tr> <tr> <td>Art Unit</td> <td>2838</td> </tr> <tr> <td>Attorney Docket No.</td> <td>16869Q-092300US</td> </tr> </table>	Application Number	10/789,774	Filing Date	February 27, 2004	First Named Inventor	Poss, Joe M.	Examiner Name	Unassigned	Art Unit	2838	Attorney Docket No.	16869Q-092300US
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<p><b>TOTAL AMOUNT OF PAYMENT</b> (\$) 130</p>													

<p style="text-align: center;"><b>METHOD OF PAYMENT (check all that apply)</b></p> <p> <input type="checkbox"/> Check            <input type="checkbox"/> Credit Card            <input type="checkbox"/> Money Order            <input type="checkbox"/> Other            <input type="checkbox"/> None       </p> <p><input checked="" type="checkbox"/> Deposit Account:</p> <p>Deposit Account Number: <span style="border: 1px solid black; padding: 2px;">20-1430</span></p> <p>Deposit Account Name: <span style="border: 1px solid black; padding: 2px;">Townsend and Townsend and Crew LLP</span></p> <p>The Director is authorized to: (check all that apply)</p> <p> <input checked="" type="checkbox"/> Charge fee(s) indicated below            <input checked="" type="checkbox"/> Credit any overpayments       </p> <p> <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)       </p> <p> <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.       </p> <p style="text-align: center;"><b>FEE CALCULATION</b></p> <p><b>1. BASIC FILING FEE</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>1001</td> <td>770</td> <td>2001 385 Utility filing fee</td> <td></td> </tr> <tr> <td></td> <td></td> <td>1002</td> <td>340</td> <td>2002 170 Design filing fee</td> <td></td> </tr> <tr> <td></td> <td></td> <td>1003</td> <td>530</td> <td>2003 265 Plant filing fee</td> <td></td> </tr> <tr> <td></td> <td></td> <td>1004</td> <td>770</td> <td>2004 385 Reissue filing fee</td> <td></td> </tr> <tr> <td></td> <td></td> <td>1005</td> <td>160</td> <td>2005 80 Provisional filing fee</td> <td></td> </tr> <tr> <td colspan="5" style="text-align: right;"><b>SUBTOTAL (1)</b></td> <td style="border: 1px solid black; width: 100px;"></td> </tr> </tbody> </table> <p><b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td></td> <td>** =</td> <td></td> <td></td> </tr> <tr> <td>Independent Claims</td> <td>** =</td> <td></td> <td></td> </tr> <tr> <td>Multiple Dependent</td> <td>X</td> <td></td> <td></td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>1202</td> <td>18</td> <td>2202 9 Claims in excess of 20</td> <td></td> </tr> <tr> <td></td> <td></td> <td>1201</td> <td>86</td> <td>2201 43 Independent claims in excess of 3</td> <td></td> </tr> <tr> <td></td> <td></td> <td>1203</td> <td>290</td> <td>2203 145 Multiple dependent claim, if not paid</td> <td></td> </tr> <tr> <td></td> <td></td> <td>1204</td> <td>86</td> <td>2204 43 ** Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td></td> <td></td> <td>1205</td> <td>18</td> <td>2205 9 ** Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> <tr> <td colspan="5" style="text-align: right;"><b>SUBTOTAL (2)</b></td> <td style="border: 1px solid black; width: 100px;"></td> </tr> </tbody> </table> <p><small>**or number previously paid, if greater; For Reissues, see above</small></p>	Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid			1001	770	2001 385 Utility filing fee				1002	340	2002 170 Design filing fee				1003	530	2003 265 Plant filing fee				1004	770	2004 385 Reissue filing fee				1005	160	2005 80 Provisional filing fee		<b>SUBTOTAL (1)</b>						Total Claims	Extra Claims	Fee from below	Fee Paid		** =			Independent Claims	** =			Multiple Dependent	X			Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid			1202	18	2202 9 Claims in excess of 20				1201	86	2201 43 Independent claims in excess of 3				1203	290	2203 145 Multiple dependent claim, if not paid				1204	86	2204 43 ** Reissue independent claims over original patent				1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent		<b>SUBTOTAL (2)</b>						<p style="text-align: center;"><b>FEE CALCULATION (continued)</b></p> <p><b>3. ADDITIONAL FEES</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large</th> <th>Entity</th> <th>Small</th> <th>Entity</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td>1051</td> <td>130</td> <td>2051 65 Surcharge - late filing fee or oath</td> <td>130</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1052</td> <td>50</td> <td>2052 25 Surcharge - late provisional filing fee or cover sheet.</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1053</td> <td>130</td> <td>2053 130 Non-English specification</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1812</td> <td>2,520</td> <td>2052 25 For filing a request for reexamination</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1804</td> <td>920*</td> <td>2052 25 Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1805</td> <td>1,840*</td> <td>2052 25 Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1251</td> <td>110</td> <td>2251 55 Extension for reply within first month</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1252</td> <td>420</td> <td>2252 210 Extension for reply within second month</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1253</td> <td>950</td> <td>2253 475 Extension for reply within third month</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1254</td> <td>1,480</td> <td>2254 740 Extension for reply within fourth month</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1255</td> <td>2,010</td> <td>2255 1,005 Extension for reply within fifth month</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1401</td> <td>330</td> <td>2401 165 Notice of Appeal</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1402</td> <td>330</td> <td>2402 165 Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1403</td> <td>290</td> <td>2403 145 Request for oral hearing</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1451</td> <td>1,510</td> <td>2403 145 Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1452</td> <td>110</td> <td>2452 55 Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1453</td> <td>1,330</td> <td>2453 665 Petition to revive - unintentional</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1501</td> <td>1,330</td> <td>2501 665 Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1502</td> <td>480</td> <td>2502 240 Design issue fee</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1503</td> <td>640</td> <td>2503 320 Plant issue fee</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1460</td> <td>130</td> <td>1460 130 Petitions to the Commissioner</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1807</td> <td>50</td> <td>1807 50 Petitions related to provisional applications</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1806</td> <td>180</td> <td>1806 180 Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>8021</td> <td>40</td> <td>8021 40 Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1809</td> <td>770</td> <td>2809 385 Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1810</td> <td>770</td> <td>2810 385 For each additional invention to be examined (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1801</td> <td>770</td> <td>2801 385 Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>1802</td> <td>900</td> <td>1802 900 Request for expedited examination of a design application</td> <td></td> </tr> <tr> <td colspan="7">Other fee (specify) _____</td> <td></td> </tr> <tr> <td colspan="7">*Reduced by Basic Filing Fee Paid</td> <td style="border: 1px solid black; 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				1255	2,010	2255 1,005 Extension for reply within fifth month																																																																																																																																																																																																																																																																																																																																																															
				1401	330	2401 165 Notice of Appeal																																																																																																																																																																																																																																																																																																																																																															
				1402	330	2402 165 Filing a brief in support of an appeal																																																																																																																																																																																																																																																																																																																																																															
				1403	290	2403 145 Request for oral hearing																																																																																																																																																																																																																																																																																																																																																															
				1451	1,510	2403 145 Petition to institute a public use proceeding																																																																																																																																																																																																																																																																																																																																																															
				1452	110	2452 55 Petition to revive - unavoidable																																																																																																																																																																																																																																																																																																																																																															
				1453	1,330	2453 665 Petition to revive - unintentional																																																																																																																																																																																																																																																																																																																																																															
				1501	1,330	2501 665 Utility issue fee (or reissue)																																																																																																																																																																																																																																																																																																																																																															
				1502	480	2502 240 Design issue fee																																																																																																																																																																																																																																																																																																																																																															
				1503	640	2503 320 Plant issue fee																																																																																																																																																																																																																																																																																																																																																															
				1460	130	1460 130 Petitions to the Commissioner																																																																																																																																																																																																																																																																																																																																																															
				1807	50	1807 50 Petitions related to provisional applications																																																																																																																																																																																																																																																																																																																																																															
				1806	180	1806 180 Submission of Information Disclosure Stmt																																																																																																																																																																																																																																																																																																																																																															
				8021	40	8021 40 Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																																																																																																																																															
				1809	770	2809 385 Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																																																																																																																																																																																															
				1810	770	2810 385 For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																																																																																																																																																																																															
				1801	770	2801 385 Request for Continued Examination (RCE)																																																																																																																																																																																																																																																																																																																																																															
				1802	900	1802 900 Request for expedited examination of a design application																																																																																																																																																																																																																																																																																																																																																															
Other fee (specify) _____																																																																																																																																																																																																																																																																																																																																																																					
*Reduced by Basic Filing Fee Paid																																																																																																																																																																																																																																																																																																																																																																					
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<b>SUBMITTED BY</b>				<b>Complete (if applicable)</b>	
Name (Print/Type)	George B. F. Yee	Registration No. (Attorney/Agent)	37,478	Telephone	650-326-2400
Signature				Date	July 20, 2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.